

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

JENNIFER L. ANSELL,

Plaintiff,

Judge

v

No.

BOARD OF EDUCATION OF KENT COUNTY
INTERMEDIATE SCHOOL DISTRICT, KENT
COUNTY INTERMEDIATE SCHOOL DISTRICT,
CONI SULLIVAN, ASHLEY KARSTEN and
JULIE GUENTHER,

Defendants.

TODD R. KNECHT (P35362)
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TIMOTHY J. MULLINS (P28021)
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NOTICE OF REMOVAL

Defendants, KENT COUNTY INTERMEDIATE SCHOOL DISTRICT,
including the improperly named BOARD OF EDUCATION OF KENT COUNTY
INTERMEDIATE SCHOOL DISTRICT, which is a constituent part of a Michigan
Public School District as provided by the Michigan Code of Education, CONI
SULLIVAN, ASHLEY KARSTEN and JULIE GUENTHER, by their attorneys,

GIARMARCO, MULLINS & HORTON, P.C., file this Notice of Removal for the following reasons:

1. This Notice of Removal is being filed pursuant to 28 U.S.C. § 1441(a), which provides that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

2. On September 17, 2021, Plaintiff served Defendants with a Complaint filed in the Kent County Circuit Court. *See* (**Exhibit A: Complaint.**)

3. The action pending in Kent County Circuit Court has the Case Number 2021-08540-NO. The Kent County Circuit Court, which is located in Grand Rapids, Michigan, is within the Western District of Michigan; therefore, this matter was removed “to the district court of the United States for the district and division embracing the place where such action is pending” 28 U.S.C. § 1441(a).

4. Plaintiff’s Complaint alleges that Defendants violated the Michigan Employee Right to Know Act (COUNT I) and § 1983 (COUNT II). (**Exhibit A: Complaint**)

5. This Court has original jurisdiction over Plaintiff’s federal claims pursuant to 28 U.S.C. 1331, which provides that “[t]he district courts shall have

original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”

6. This Court has jurisdiction over Plaintiff’s state law claims pursuant to 28 U.S.C. § 1367, which grants this Court supplemental jurisdiction.

7. This Notice is filed with the Court within 30 days after service of the Complaint.

WHEREFORE, Defendants request that the Court exercise jurisdiction over this matter and grant such other relief as the Court deems proper.

/S/TIMOTHY J. MULLINS
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DATED: November 5, 2021

EXHIBIT A

STATE OF MICHIGAN
IN THE KENT COUNTY CIRCUIT COURT

Rec'd & Filed

SEP 21 2021

KENT COUNTY
CIRCUIT COURT

JENNIFER L. ANSELL,
a Michigan resident,

Plaintiff,

v.

Case No. 21-08540 NO

Hon. CURT A. FENSON
(1-30851)

BOARD OF EDUCATION OF KENT
COUNTY INTERMEDIATE SCHOOL
DISTRICT; KENT COUNTY
INTERMEDIATE SCHOOL DISTRICT,
a Michigan public school district;
CONI SULLIVAN, ASHLEY
KARSTEN, and JULIE
GUENTHER, Michigan residents.

Defendant.

Todd R. Knecht (P35362)
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Tel: 616-308-4716
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Attorneys for Plaintiff

SUMMONS AND COMPLAINT
DEMAND FOR JURY

Plaintiff, by her attorneys, for her Complaint against Defendants, states as follows:

NATURE OF THE CASE

1. This is a civil action for declaratory and injunctive relief, damages, and attorney's fees, brought against the named Defendants pursuant to the Bullard-Plawewski Employee Right to Know Act, MCL § 423.501 et seq. (the "ERKA"), and for violation(s) of the Due Process Clause of the Fourteenth Amendment.

2. As a teacher in the public schools in the Grand Rapids area, Plaintiff consistently received “effective” performance ratings for the school years: 2011-2012; 2016-2017; and 2017-2018, in accordance with Defendants’ own teacher evaluation process and the mandates of MCL § 380.1249(1)(d)) of the Michigan Revised School Code (“RSC”). But in May 2019, one or more of the Defendants (and/or Defendants acting in concert) deliberately posted a “minimally effective” rating for Plaintiff on the MOECS (Michigan Online Educator Certification System), in direct contravention of her performance evaluation for the relevant time frame and in blatant violation of MCL 380.1249(1)(d)’s mandatory requirement for a “rubric-based” evaluation system.

3. Defendants’ action(s) were undertaken maliciously, knowing this would harm Plaintiff’s professional reputation. After enlisting the Union’s assistance, however, Plaintiff ultimately prevailed in getting her rating for the 2018-2019 school year restored to an “effective” one in September 2019. Apparently seeking some “payback” for (among other things) Plaintiff’s efforts to restore her rating the preceding year, *Defendants viciously attacked and retaliated against Plaintiff again the following year (in May 2020)*. Only this time, they posted a “minimally effective” rating on the MOECS web site *despite the fact that Plaintiff had left Defendant Kent ISD’s employ in February 2020*. Therefore, Defendants’ posting was a complete and utter fabrication carried out without any prior notice to Plaintiff or any opportunity to be heard and with the sole aim of harming Plaintiff’s reputation and adversely impacting her teaching career going forward. Despite Plaintiff’s repeated requests (after she learned of the posting) for the processing of an appeal on her behalf, Defendants failed and refused to process Plaintiff’s appeal or to remove the “minimally effective” rating for the 2019-2020 school year. They also failed and refused to provide her with her personnel file in violation of the ERKA.

PARTIES

4. Plaintiff, Jennifer L. Ansell, is a Michigan resident residing in Kent County, Michigan.

5. Defendant, Kent County Intermediate School District (“Defendant Kent ISD”) is a school district in Kent County, Michigan authorized and established pursuant to the Revised School Code, MCL § 380.1, *et seq.* and may be sued.

6. Defendant Board of Education of the Defendant Kent ISD (the “Defendant Board”) is the duly elected body authorized to operate the Kent County Intermediate School District as defined in MCL § 38.73.

7. Defendant, Coni Sullivan (“Defendant Sullivan”), was/is employed by Defendant Kent ISD as its Assistant Superintendent for Human Resources and Legal Services.

8. Defendant, Ashley Karsten (“Defendant Karsten”) is employed by Defendant Kent ISD as Director of Early Childhood.

9. Defendant, Julie Guenther (“Defendant Guenther”), is employed by Defendant Kent ISD as an Early Childhood Specialist. Defendants Sullivan, Karsten and Guenther are named in their individual as well as their official capacities.

JURISDICTION AND VENUE

10. Plaintiff is seeking declaratory and injunctive relief as well as damages in excess of \$25,000.00. This case is otherwise within the jurisdiction this Court under MCL § 600.601, § 600.605 and by MCR 2.605 and MCR 310.

11. Venue is proper pursuant to MCL § 600.1615 since Defendants Kent ISD and the Defendant Board exercise governmental authority within this county and judicial circuit.

GENERAL ALLEGATIONS

12. MCL 380.1249 requires the board of a school district or ISD or the board of directors of a PSA, with the involvement of teachers and school administrators, to adopt and implement a “rigorous, transparent and fair performance evaluation system.” MCL 380.1249(1). The performance evaluation system must assign to each teacher an effectiveness rating of highly effective, effective, minimally effective, or ineffective.

13. Plaintiff was employed by Defendant, Kent ISD, as a Great Start Readiness Preschool Teacher from August 2016 until her voluntary resignation effective as of February 7, 2020. During 2016-2017 and again in 2018-2019, Defendant Kent ISD (acting through its agents, including Defendants Sullivan, Karsten and/or Guenther), evaluated Plaintiff’s job performance using an internet-based program called Standard for Success (SFS), a comprehensive web-based tool for evaluating, reporting, and developing high-quality educational systems. Pursuant to MCL 380.1249(1)(d), this “rubric-based system” rating scale is rated ineffective, minimally effective, effective, and highly effective.

14. Among other critical aspects of importance, educator effectiveness ratings are required for a teacher to progress to, or renew an Advanced Professional Teaching Certificate which, among other things, requires that a teacher have not been rated ineffective within the five most recent years. The amendments to the Revised School Code require each district to terminate the employment of any teacher who “is rated as ineffective on 3 consecutive annual year-end evaluations.” MCL § 380.1249. The entire foundation of the evaluation process culminates in an effectiveness rating. Here, the Defendants’ actions were undertaken without any notice to

Plaintiff. By assigning her a fabricated rating, Defendants denied Plaintiff her right to any of the protections provided by their Teacher Evaluation process and/or the protections of Michigan law.

15. At various times during the 2018-2019 school year and into the 2019-2020 school year (prior to her resignation), Defendants Sullivan, Karsten and/or Guenther vindictively retaliated against Plaintiff after she was cleared of any wrongdoing in connection with one or more administrative complaints lodged against her and for her union activities.

16. Incidents evidencing Defendants' malice toward Plaintiff began shortly after the onset of her term in the employ of Defendant Kent ISD. By way of example only, Defendants manipulated Plaintiff's effectiveness rating. Defendant Guenther (in the presence of Defendants Sullivan and Karsten) repeatedly (and falsely) advised Plaintiff "that she can change anyone's evaluation at any time"; that "it is an open all year evaluation [process]"; and that she "could change anyone's evaluation right up until the last day of school if she wants" or words to that effect.

17. In May 2019, Defendants Sullivan, Karsten and/or Guenther logged onto the MOECS (Michigan Online Educator Certification System) and entered a "minimally effective" rating for Plaintiff, contrary to the results of her evaluation process for the relevant time frame and contrary to MCL 380.1249(1)(d)'s "rubric-based" evaluation system. Defendants' action(s) were undertaken maliciously, knowing this would harm Plaintiff's professional reputation.

18. As further evidence of Defendants' vindictiveness toward Plaintiff during the Spring of 2019, Defendants were inexplicably changing Plaintiff's rating almost daily, back, and forth, from effective to ineffective, with no meaningful rationale, logic, or justification, other than an intent on Defendants' part to deliberately harm Plaintiff's professional reputation and her

employment record. As a result, Plaintiff spent most of the summer of 2019 fighting to restore her effective rating to “effective” as of the end of the 2018-2019 school year.

19. Plaintiff ultimately prevailed in getting her rating changed back to an “effective” one in September 2019. Even then, Plaintiff still had to enlist the Union’s assistance to ensure that Kent ISD actually entered an “effective” rating into the MOECS for 2018 – 2019.

**PLAINTIFF RESIGNED HER EMPLOYMENT PART WAY
THROUGH THE 2019-2020 SCHOOL YEAR.**

20. In January 2020, Plaintiff provided Defendant Kent ISD with two weeks written notice of her intent to resign. Plaintiff received an email back from Defendant accepting her resignation and indicating her last day of employment would be February 7, 2020.

21. At this point, the voluntary termination of Plaintiff’s employment should have been reported in *the Registry of Educational Personnel: Field 25: Employment Status and the date in Field 26: Date of Termination of Employment*, along with the appropriate fields for the assignment code of the employee. This was not done. Upon information and belief, Plaintiff’s act of voluntarily resigning was not placed in Plaintiff’s personnel file.

**DEFENDANTS POSTED A MINIMALLY EFFECTIVE RATING IN MAY 2020
WITHOUT PLAINTIFF’S KNOWLEDGE AND IN VIOLATION OF MCL
380.1249(1)(d)’s “RUBRIC-BASED” EVALUATION SYSTEM (among other irregularities
and/or illegalities)**

22. In May 2020 (after Plaintiff was no longer employed by Defendant Kent ISD), one or more of the individual Defendants (or one Defendant acting with the knowledge and assent of the others) logged onto the MOECS (Michigan Online Educator Certification System) and entered a “minimally effective” rating for Plaintiff. On information and belief, Defendants’ action was undertaken maliciously, knowing this would harm Plaintiffs’ professional reputation; Defendants deliberately concealed this action from Plaintiff, knowing she would not be aware of and/or discover the change in her rating unless she had a specific reason to check the website.

23. Despite their posting of a “minimally effective” evaluation rating and as further evidence that their actions were intended for the sole purpose of harming Plaintiff’s reputation, Defendants did not provide a “plan of improvement” for Plaintiff or otherwise give Plaintiff an opportunity to improve the purported deficiencies in her performance.

24. Because she was evaluated in 2019, Plaintiff knew she was not scheduled for an evaluation again until 2021, pursuant to page 32 of the Kent ISD GSRP Teacher Handbook, the section on “Teacher Evaluation (Standard for Success)” (the “Teacher Evaluation” process). Furthermore, Plaintiff did not participate in Defendants’ Teacher Evaluation process for the 2019-2020 school year, nor did she have a supervisor evaluate her. Because it was an “ongoing process,” Defendants’ Teacher Evaluation process would have required continuous and contemporaneous recording of precise information and a plethora of other requirements and criteria; so that would have required Kent ISD personnel to keep track of specific information about her performance from day to day; week to week. This did not happen.

25. Among other indicia of Defendant’s intent to harm Plaintiff’s professional reputation and to conceal their actions from Plaintiff was/is a March 2021 email sent by Defendant Guenther to all employees stating that due to Covid, *no teacher evaluations would be conducted in 2020*. Despite this representation, Defendant still posted a “minimally effective rating” for Plaintiff in May 2020.

26. Defendants knew the “minimally effective” rating for the timeframe in question was false but posted it anyway, deliberately intending to harm Plaintiff’s professional reputation.

**DEFENDANTS IGNORED AND/OR REFUSED
PLAINTIFF’S REQUEST TO PROCESS HER APPEAL**

27. In order to renew her teaching certificate in June of 2022, Plaintiff needed 150 Professional Development hours. Toward this end, she checked the website in September 2020 in

order to ascertain her total number of professional development hours earned as of that point. It was then that she discovered that Defendants had entered a **“Minimally Effective” effectiveness rating** into the MOECS for the 2019-2020 school year. Plaintiff was horrified.

28. Because her Educator Effectiveness rating was originally entered into the MOECS by Defendant Kent ISD personnel, only one of its own properly credentialed “users” of the Registry of Educational Personnel was authorized to submit the appeal on Plaintiff’s behalf and remove the erroneous rating. In light of Defendants’ track record of retaliatory and vindictive actions toward her, Plaintiff retained the undersigned counsel to assist her with the processing of her appeal, the deadline for which was December 1, 2020.

29. On November 20, 2020, the undersigned submitted a *Request To Kent ISD For Processing of Appeal To Correct Inaccurate Data In The Registry Of Educational Personnel* on behalf of Plaintiff. (Ex.1) Exhibit 1 clearly informed Defendants that the deadline was December 1, 2020. Because Defendants had not responded, the undersigned contacted them again on November 24, 2020, at 2:49 p.m., reminding them that the “DEADLINE IS DECEMBER 1, 2020” for appealing the inaccurate Educator Effectiveness Rating for Plaintiff. (Exhibit 2) The undersigned reminded them again at 5:37 p.m. on November 20, 2020 (Exhibit 2, at. P.3) and again on November 25, 2020 (Exhibit 2, at. P.4)

30. As of the morning of the deadline for the appeal, Defendants still refused to process Plaintiff’s appeal so on December 1, 2020, the undersigned submitted a second request, this time addressed to Kent ISD Superintendent Ron Caniff and all Defendants, entitled, *“Refusal to Process Appeal of Inaccurate Educator Effectiveness Rating for Jennifer L. Ansell – the Deadline is DECEMBER 1.2020.”* (Ex. 3)

31. Because Defendants still refused to process Plaintiff's appeal, the undersigned contacted them again on December 1, 2020 (with a copy to Sheila Alles, Chief Deputy Superintendent for the Michigan Department of Education), stating, *"Today is the deadline for the submission of appeals to correct Educator Effectiveness ratings in the Registry of Educational Personnel for the past five years. Unfortunately, there has been a deliberate refusal by Kent ISD personnel to process our client's appeal. Our purpose in contacting you is to request that Kent ISD personnel be directed to process this Appeal on our client's behalf."* (Exhibit 4) Despite these repeated notifications to Defendants, they failed and refused to process Plaintiff's appeal by the MOEC's deadline of December 1, 2020.

32. On December 2, 2020, the undersigned finally received an email from Defendant Taylor, stating, *"I discovered your email this morning in my 'junk email' box. For some reason our system is redirecting your email and I suspect the same is true for the other ISD email addresses you included. We are happy to work with you and MDE to correct the effectiveness rating from Minimally Effective to Effective."* (Exhibit 5).

33. The undersigned replied to Defendant Taylor's email of December 2, 2020, stating in part, *"As you know, we made a timely request (on 11.20.2020) for the processing of an appeal to correct our client's effectiveness rating – the deadline was December 1, 2020. You responded on December 2, 2020, stating in part: 'We are happy to work with you and MDE to correct the effectiveness rating from Minimally Effective to Effective.' As outlined in my email and attached letter to you of November 20, 2020, there is no basis for the 'minimally effective' rating for the timeframe in question. Therefore, I would think this is a matter Kent ISD personnel can take care of and then confirm to us that it has been rectified. As we noted, Jennifer Ansell received no evaluation for 2019-2020. Her last day in the employ of Kent ISD was February 7, 2020. In*

fact, there was no review process at all (see detailed discussion in my attached letter to you of November 20, 2020). Would you please process the correction of her rating asap and let me know what, if anything, you need from our client to correct the rating?"(Ex.5, at pp.1-2).

34. Despite her admission that Defendants were aware of and capable of correcting the effectiveness rating from Minimally Effective to Effective, Defendants failed and refused to do so despite Plaintiff's continued requests for this action.

REFUSAL TO PROVIDE ACCESS TO PERSONNEL RECORDS;
PLACEMENT OF FALSE INFORMATION IN PLAINTIFF'S PERSONNEL FILE

35. Given the Defendants' track record of vindictive actions and their spiteful treatment of her, Plaintiff requested her personnel records in writing from Defendant Kent ISD HR back on February 4, 2020, just prior to leaving its employ. (Ex. 6) She received an email back from Dena Harris the following day (February 5, 2020), stating in part, "Hi Jennifer...I emailed Coni yesterday (she is out this week) to get this approved and processed but she hasn't gotten back with me. I'll follow up with her again today." (Ex. 6) Unfortunately, no records were ever produced. In the meantime, and unbeknownst to Plaintiff, Defendants Sullivan, Karsten and/or Guenther, placed and/or conspired to place a "minimally effective" rating in Plaintiff's file, knowing this rating was false.

36. On November 24, 2020, the undersigned submitted a request on Plaintiff's behalf (pursuant to the ERKA, MCL § 423.501 et seq) *"for a complete copy of Plaintiff's personnel file and all relevant personnel records as defined in the Act which are in use or have been used or which may affect, be or have been used relative to Jennifer Ansell's qualifications for employment, promotion, transfer, compensation, disciplinary action and/or termination."* (Ex. 7) As stated, Plaintiff had already requested her personnel records in writing from Defendant Kent ISD HR on two prior occasions. (Ex. 6).

37. As of the end of the day on December 2, 2020, Defendants had refused to process the appeal on Plaintiff's behalf leaving her with a "minimally effective" educator effectiveness rating on the MOECS system; and they had failed and refused to produce Plaintiff's personnel records and/or to expunge this false information from Plaintiff's personnel file. On December 11, 2020, the undersigned reiterated these requests and received no response. (Ex. 5)

COUNT I
VIOLATION OF THE ERKA, MCL § 423.501 et seq.
AGAINST DEFENDANT KENT ISD

38. Plaintiff repeats and incorporates the allegations in the preceding paragraphs.

39. The ERKA applies to all Michigan employers with four or more employees and defines the term "[e]mployer" to "include[] an agent of the employer." MCL § 423.501(2)(b). Per the ERKA, "Personnel record" means "a record kept by the employer that identifies the employee to the extent that the record is used or has been used, or may affect or be used relative to that employee's qualifications for employment, promotion, transfer, additional compensation, or disciplinary action." MCL § 423.501(2)(c).

40. The ERKA provides an employee or former employee: (1) the right to review her personnel records, MCL § 423.503. (2) the right to a copy of the records, MCL § 423.504, (3) the right to file a written response to the records if she disagrees with them, MCL § 423.505, (4) the right to seek expungement of any 'false' information the employer knowingly places in her personnel record, MCL § 423.505, and (5) the right to receive a written notice of an employer's act of divulging a disciplinary report, letter of reprimand or other disciplinary action concerning the employee to a third party, or to a party who is not part of the employer's organization. MCL § 423.506.

41. Plaintiff complied with and/or satisfied all of the ERKA's preconditions for obtaining copies of her personnel file and all her personnel records under MCL § 423.501 et seq.

She requested her personnel records in writing from Defendant Kent ISD on February 4, 2020, just prior to leaving its employ. (Ex. 6) She received an email back from Dena Harris the following day (February 5, 2020), stating in part, *"Hi Jennifer...I emailed Coni yesterday (she is out this week) to get this approved and processed but she hasn't gotten back with me. I'll follow up with her again today."* (Ex. 6)

42. Unfortunately, no personnel records were ever produced. On November 24, 2020, the undersigned submitted a request on Plaintiff's behalf and with Plaintiff's written authorization (pursuant to the ERKA, MCL § 423.501 et seq) *"for a complete copy of Plaintiff's personnel file and all relevant personnel records as defined in the Act which are in use or have been used or which may affect, be or have been used relative to Jennifer Ansell's qualifications for employment, promotion, transfer, compensation, disciplinary action and/or termination."* (Ex. 4) Plaintiff had already requested her personnel records in writing from Defendant Kent ISD HR on two prior occasions. (Ex. 3).

43. The requested personnel records have not been furnished to Plaintiff and/or to the undersigned on Plaintiff's behalf as of the filing of the instant lawsuit; Defendants have not advanced any reason, excuse, or rationale for their refusal.

44. Defendant deliberately committed a plethora of violations and blatant infringements of Plaintiff's rights under the ERKA, including but not limited to, the following deliberate contraventions and acts of calculated noncompliance with the mandatory requirements under the ERKA:

- a. Defendants willfully failed and/or refused to comply with Plaintiff's repeated, written requests for a complete copy of her employment records and personnel files in violation of MCL § 423.504 which requires an employer, upon written request by an employee, to provide an employee with access to the employee's personnel

record and with the ability to obtain a copy of such record.” MCL § 423.504.

- b. Defendants willfully violated the ERKA by deliberately creating a false performance-related personnel record in violation of MCL § 423.505 – said rating constitutes a “record kept by the employer that identifies the employee to the extent that the record is used or has been used, or may affect or be used relative to that employee’s qualifications for employment, promotion, transfer, additional compensation, or disciplinary action.” MCL § 423.501(2)(c).
- c. Defendants’ intentional noncompliance with the Act threatens grave and irreparable harm to Plaintiff’s reputation, future employment opportunities and his legal rights
- d. Defendants willfully violated the ERKA by deliberately obstructing and/or impeding and/or preventing Plaintiff from submitting her own written response to the false performance-related personnel record created by Defendants, MCL § 423.505;
- e. Defendants willfully violated the ERKA by deliberately obstructing, impeding and/or preventing Plaintiff from seek expungement of the false performance-related personnel record which Defendants knowingly placed in her personnel record, MCL § 423.505
- f. Defendants willfully violated the ERKA by failing to provide Plaintiff with a written notice of their intent to disclose and/or their actual disclosure of her false “minimally effective” performance-related personnel record rating to a third party, or to a party who was not part of Defendant Kent ISD’s organization in violation of MCL § 423.506.

45. Defendant’s willful violations of the ERKA have damaged Plaintiff as described herein and below, and entitles Plaintiff to injunctive relief, \$200 plus actual damages, costs, and reasonable attorney fees.

46. As a proximate result of the Defendants' wrongful actions as herein described, Plaintiff has suffered losses including, but not limited to, damages to her professional reputation as well as emotional and psychological damages as a direct and proximate result. Plaintiff's damages were proximately caused by the actions of Defendants as herein previously described

WHEREFORE, Plaintiff, respectfully requests that this Court:

- A. Direct that Defendant Kent ISD produce a complete copy of Plaintiff's personnel file and all relevant personnel records as defined in the Act which are in use or have been used or which may affect, be or have been used relative to Plaintiff's qualifications for employment, promotion, transfer, compensation, disciplinary action and/or termination.
- B. Award Plaintiff damages for all injuries which are the direct, natural, and proximate result of Defendants' wrongful acts and/or omissions, as more fully described herein, in an amount to which she is deemed to be entitled, in excess of twenty-five thousand dollars (\$25,000.00);
- C. Award Plaintiff compensatory, punitive, and/or exemplary damages in an amount to which she is deemed to be entitled in excess of twenty-five thousand dollars (\$25,000.00) and which are the direct, natural, and proximate result of Defendants' wrongful acts and/or omissions, as more fully described herein;
- D. Award Plaintiff prejudgment interest;
- E. Award Plaintiff her costs and expenses incurred in bringing this action, including reasonable attorney's fees; and
- F. Award Plaintiff such other and further relief as this Court deems appropriate

COUNT II
PROCEDURAL DUE PROCESS VIOLATIONS
UNDER 42 U.S.C. § 1983, AGAINST ALL DEFENDANTS

47. Plaintiff repeats and incorporates the allegations in the preceding paragraphs.

48. As outlined herein, Plaintiff had consistently received "effective" ratings for the years for 2011-2012; 2016-2017; 2017-2018; and 2018-2019. Her effectiveness rating, once

earned, was/is a property interest as well as a liberty interest entitled to protection under the Due Process Clause. Defendants Sullivan, Karsten and/or Guenther logged onto the MOECS (Michigan Online Educator Certification System) and entered a “minimally effective” rating for Plaintiff, contrary to the results of her evaluation process for the relevant time frame and contrary to MCL 380.1249(1)(d)’s “rubric-based” evaluation system.

49. Defendants deliberately posted a “Minimally Effective” rating into the MOECS for the 2019-2020 school year knowing this information was false and/or acting in reckless disregard of the truth thereof. Defendants posting of this erroneous rating was without any justification; and was or factual basis; it ignored was entitled to be evaluated pursuant to the internet-based program utilized by Defendant Kent ISD called Standard for Success (SFS), a comprehensive web-based tool for evaluating, reporting, and developing high-quality educational systems. Pursuant to MCL 380.1249(1)(d), this “rubric-based system” rating scale is rated *ineffective, minimally effective, effective, and highly effective*.

50. In fact, Plaintiff was afforded no protection by Defendants, *either prior to or following the posting*. In particular, Defendants did not provide Plaintiff with any notice or opportunity to challenge their actions prior to or following the posting of the false “minimally effective” Because said rating also constituted a “personnel record” as defined in MCL § 423.501(2)(c), Plaintiff was also entitled to the protections afforded under the ERKA which Defendants deliberately denied.

51. Because her Educator Effectiveness rating was originally submitted to the MOECS by Defendant Kent ISD’s authorized personnel, only a credentialed employee (including one or more of the instant Defendants) from Defendant Kent ISD was authorized to submit the appeal on Plaintiff’s behalf and remove the erroneous rating, the deadline for which was December

1,2020. On November 20, 2020, the undersigned submitted a *Request To Kent ISD For Processing Of Appeal To Correct Inaccurate Data In The Registry Of Educational Personnel* on behalf of Plaintiff. (Ex.1) Exhibit 1 clearly informed Defendants that the deadline was December 1, 2020. Because Defendants still refused to process Plaintiff's appeal, the undersigned submitted a second request, this time entitled, "Refusal to Process Appeal of Inaccurate Educator Effectiveness Rating for Jennifer L. Ansell – the Deadline is DECEMBER 1.2020." (Ex. 2) Despite these repeated notifications to Defendants, they failed and refused to process Plaintiff's appeal. The deadline came and went.

52. Among other critical aspects of importance, educator effectiveness ratings are required for a teacher to progress to, or renew an Advanced Professional Teaching Certificate which, among other things, requires that a teacher have not been rated ineffective within the five most recent years. The amendments to the Revised School Code require each district to terminate the employment of any teacher who "is rated as ineffective on 3 consecutive annual year-end evaluations." MCL § 380.1249. The entire foundation of the evaluation process culminates in an effectiveness rating. Here, the Defendants' actions were undertaken without any notice to Plaintiff. By assigning her a fabricated rating, Defendants denied Plaintiff her right to any of the protections provided by their Teacher Evaluation process and/or the protections of Michigan law.

53. Defendants deprived Plaintiff of her of a property interest and her liberty interest protected by the Due Process Clause of the Fourteenth Amendment and did not afford her adequate procedural rights before or after depriving her of this protected interest.

WHEREFORE, Plaintiff, respectfully requests that this Court:

- A. Direct Defendants to remove and/or facilitate the removal of the wrongfully posted minimally effective rating from the MOECS website; and/or the processing of her appeal;

- B. Award Plaintiff damages for all injuries which are the direct, natural, and proximate result of Defendants' wrongful acts and/or omissions, as more fully described herein, in an amount to which she is deemed to be entitled, in excess of twenty-five thousand dollars (\$25,000.00);
- C. Plaintiff compensatory, punitive, and/or exemplary damages in an amount to which she is deemed to be entitled in excess of twenty-five thousand dollars (\$25,000.00) and which are the direct, natural, and proximate result of Defendants' wrongful acts and/or omissions, as more fully described herein;
- D. Award Plaintiff prejudgment interest;
- E. Award Plaintiff her costs and expenses incurred in bringing this action, including reasonable attorney's fees; and
- F. Award Plaintiff such other and further relief as this Court deems appropriate

Dated: September 17, 2021

Respectfully submitted

:

KNECHT LAW, PLC
Attorneys for Plaintiff
By: s/Todd R. Knecht
Todd R. Knecht (P35362)

JURY DEMAND

Plaintiff respectfully demands that the issues in this case be tried to a jury.

Dated: September 17, 2021

Respectfully submitted

:

**KNECHT LAW, PLC
Attorneys for Plaintiff
By: s/Todd R. Knecht**

EXHIBIT 1

KNECHT LAW_{PC}

LABOR • EMPLOYMENT • LITIGATION

Todd R. Knecht
Attorney At Law

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November 20, 2020

**REQUEST TO KENT ISD FOR PROCESSING OF APPEAL¹
To Correct Inaccurate Data In The Registry of Educational Personnel**

DEADLINE FOR APPEAL: DECEMBER 1, 2020

Coni Sullivan
Assistant Superintendent for
Human Resources and Legal Services
Via Email to: conisullivan@kentisd.org

Ashley Karsten
Director of Early Childhood
Via Email to: AshleyKarsten@kentisd.org

Julie Guenther
Early Childhood Specialist
Via Email to: julieguenther@kentisd.org

Kent ISD Authorized User(s) of the
Registry of Educational Personnel (REP).

Kent County Intermediate School District ("Kent ISD")
2930 Knapp NE
Grand Rapids, MI 49525

**Re: Request to Kent ISD to Process an Appeal on Behalf of Jennifer L. Ansell to
Correct Inaccurate Educator Effectiveness Rating in The Registry of Educational Personnel**

Dear Ms. Sullivan, Ms. Karsten, Ms. Guenther (and/or the Kent ISD Authorized User(s) of the Registry of Educational Personnel (REP)):

This firm represents Jennifer L. Ansell, who was employed as a Great Start Readiness Preschool Teacher at Kent County Intermediate School District ("Kent ISD") from August 2017 until February 7, 2020. This letter

¹ NOTE: This Letter is also Intended for the person or persons at Kent ISD" responsible for the actual submission/processing of the requested Appeal, **including but not limited to, the person or persons who are Kent ISD Authorized User(s) of the Registry of Educational Personnel (REP).**

Coni Sullivan
Ashley Karsten
Julie Guenther
Kent ISD
November 20, 2020

constitutes a demand on her behalf for an appeal aimed at removing the incorrect “Minimally Effective” Educator Effectiveness rating for the 2019 – 2020 school year from the Registry of Educational Personnel. As the original source of this information, Kent ISD is responsible for entering and correcting the data. As outlined below, the accuracy of these ratings is paramount; an ineffective rating will profoundly impact our client’s career going forward. **The deadline for this appeal to DECEMBER 1, 2020.**

This request springs from our client’s discovery of the accidental or intentional posting of a “Minimally Effective” review rating by Kent ISD personnel into the MOECS (Michigan Online Educator Certification System) for the 2019-2020 school year. This spurious information was inserted despite the fact that Jennifer Ansell received no evaluation for 2019-2020. Her last day in the employ of Kent ISD was February 7, 2020. A few months later (in September 2020), she logged into the MOECS to check on her professional record and discovered Kent ISD’s posting on May 14, 2020 of a “Minimally Effective” Review Rating.

One can only speculate as to the origin of the motive for placing this false evaluation on her record but in the past, Jennifer was active in the union. In addition, there was some resentment toward her after an investigation by the State of Michigan resolved in her favor. Then, in the spring of 2019, Kent ISD arbitrarily downgraded her rating to “minimally effective.” At one point, her rating was being inexplicably changed almost daily, back, and forth, from effective to ineffective, with no meaningful rationale, logic, or justification. As a result, she spent most of the summer of 2019 fighting to restore her effective rating. She ultimately prevailed in getting it changed back to an “effective” rating in September 2019. Even then, Jennifer still had to enlist the Union’s assistance to ensure that Kent ISD actually entered an “effective” rating into the MOECS for 2018 – 2019.

And so, it seems unlikely that the insertion of this erroneous rating for the 2019 – 2020 school year could have occurred accidentally, for a number of reasons, including but not limited to, the following:

- Having accepted new employment elsewhere, Jennifer Ansell provided Kent ISD with two weeks written notice at the end of January 2020. She received an email in return from Kent ISD Administration acknowledging her letter and accepting her resignation effective February 7, 2020. **At this point, the termination of our client’s employment (and the reason for it) should have been reported in the Registry of Educational Personnel: Field 25: Employment Status and the date in Field 26: Date of Termination of Employment, along with the appropriate fields for the assignment code of the employee.² This was not done.**
- The accuracy of a “minimally effective” rating for the timeframe in question is even more suspect given the typical review process Jennifer had undergone in past years where, among other things,

² See, Center for Educational Performance and Information Registry of Educational Personnel; Frequently Asked Questions, retrievable at https://www.michigan.gov/documents/cepi/REP_FAQs_Fall_2018_632040_7.pdf

Coni Sullivan
Ashley Karsten
Julie Guenther
Kent ISD
November 20, 2020

evaluations were conducted using an internet-based program called Standard for Success (SFS), a comprehensive web-based tool for evaluating, reporting, and developing high-quality educational systems. The "rubric-based system" rating scale is rated ineffective, minimally effective, effective, and highly effective. Of course, **no such evaluation was performed** making posting of this minimally effective rating even more suspect.

- It should also be noted that this "phantom" rating by Kent ISD violates the "Master Agreement" between Kent ISD and the union which provides in part that "each bargaining unit member shall be given a copy of the evaluation tool prior to any formal evaluation or observation. Bargaining unit members shall also receive a copy of the written evaluation at the time of the personal conference following the evaluation."

Because her Educator Effectiveness rating was originally submitted to the MOECS by your district., only one of Kent ISD's authorized users of the Registry of Educational Personnel can submit the appeal and remove the erroneous rating. Based on our client's past experience with Kent ISD's process for submitting data to the MOECS, we understand that Beth Rudolph is one of your district's REP authorized user.

Once again, **the deadline for this appeal is December 1, 2020. Do not miss it.** I am available to provide any assistance as is our client. Meanwhile, we are submitting a request for a copy of Jennifer Ansell's personnel file under separate cover. Among other things, the separate letter explains that any reference to the "minimally effective" rating in her personnel records constitutes a violation of the Employee Right to Know Act. Please contact me if questions and to confirm the timely processing and submission of this appeal.

Very truly yours,

KNECHT LAW, PLC



By:

Todd R. Knecht

TRK/enc.

cc: Jennifer L. Ansell

Beth Rudolph (via Email: bethrudolph@kentisd.org)

[Home](#) [MDE Home](#) [Contact](#) [Logout](#) [MI.gov](#)

Michigan Online Educator Certification System

Michigan Department of Education

[SCECH Catalog](#) [SCECH Sponsors](#)

[Home](#)

Effectiveness Ratings

[Personal Information](#)

First Name JENNIFER **Last Name** ANSELL **PIC** 400168
SSN XXX-XX-1925 **Date of Birth** 01/23/1973

[Effectiveness Ratings](#)

The educator evaluation law ties some certificate renewals and progressions to educator effectiveness ratings your district(s) reported to the state.

[Apply or Renew](#)

PLEASE TAKE A MOMENT AND CHECK YOUR EDUCATOR EFFECTIVENESS DATA BELOW TO ENSURE THAT YOUR RATINGS ARE CORRECT.

[Add Endorsements](#)

If ratings are incorrect:

[Print Certificate](#)

- Contact the district(s) who entered the data you feel are incorrect as soon as possible.
- The Educator Effectiveness Ratings Data Appeals Window is open each year between September 1 and December 1
- During this time, the district may update inaccurate ratings from the 5 most recent school years.

[View Certificates](#)

[View Professional Learning](#)

The following information is provided to offer guidance. Your school district(s) report data to the Registry of Educational Personnel (REP). The Michigan Department of Education (MDE) partners with the REP to offer the ability for you to review your ratings when you log into your MOECS account, however MDE cannot correct your data.

[Forms](#)

[Do I even need ratings to renew my certificate?](#)

[Payment Vouchers](#)

[My school/district says they can see my ratings, why can't I?](#)

[What if the wording for the rating itself is different from the others?](#)

[How to Read Your Effectiveness Screen](#)

[Action Required to Ensure Your State Evaluation Data is Accurate for Certificate Progression and Renewal](#)

[Go to My HomePage](#)

The approximate release date for effectiveness ratings is the 3rd week of July. Educators in their 3rd year of teaching who wish to progress to the Professional Teaching or CTE Certificate must wait to submit the application until the ratings have been released.

[What does it mean if I have a No Eval/Emergency Order Rating?](#)

School Year	District	Submission/Correction Date	Rating
2019 - 2020	Kent ISD	5/14/2020	Minimally Effective
2018 - 2019	Kent ISD	9/18/2019	Effective
2017 - 2018	Kent ISD	5/21/2018	Effective
2016 - 2017	Kent ISD	6/18/2017	Effective
2011 - 2012	Kelloggsville Public Schools	6/20/2012	Effective

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[Policies](#) [FOIA](#) [Compliance](#)

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EXHIBIT 2



Todd Knecht <trknechtlaw@gmail.com>

FOLLOW UP and REMINDER - DEADLINE IS DECEMBER 1, 2020 - for Appeal of Inaccurate Educator Effectiveness Rating for Jennifer L. Ansell

4 messages

Todd R. Knecht <trknechtlaw@gmail.com>

Tue, Nov 24, 2020 at 2:49 PM

To: conisullivan@kentisd.org

Cc: julieguenther@kentisd.org, AshleyKarsten@kentisd.org, madeleineburns@kentisd.org

Bcc: jansell2323@outlook.com

Good Afternoon:

This is a follow up to my email and letter of this past Friday, November 20, 2020, on behalf of former Kent ISD employee, Jennifer L. Ansell. We have demanded the removal of the incorrect "Minimally Effective" Educator Effectiveness rating for the 2019 – 2020 school year from the Registry of Educational Personnel. As my letter noted, Kent ISD personnel are responsible for entering the Appeal and correcting this data because you were original source of this information. Once again, the deadline is DECEMBER 1, 2020.

Please confirm no later than 5 pm today that the appeal will be submitted on or before December 1, 2020.

Todd R. Knecht
Attorney At Law

KNECHT LAW PLC | PO Box 68292 | Grand Rapids, MI | 49516-8292
ph 616.202.5539 | cell 616.308.4716 | fax 616.828.5982

email: trknechtlaw@gmail.com | knecht-law.com

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From: Todd R. Knecht <trknechtlaw@gmail.com>

Sent: November 20, 2020 5:46 PM

To: conisullivan@kentisd.org; julieguenther@kentisd.org; AshleyKarsten@kentisd.org

Cc: :bethrudolph@kentisd.org

Subject: Request to Kent ISD to Process an Appeal of Inaccurate Educator Effectiveness Rating for Jennifer L. Ansell

Dear Ms. Sullivan, Ms. Karsten, Ms. Guenther (and/or a Kent ISD Authorized User(s) of the Registry of Educational Personnel (REP)):

- This firm represents Jennifer L. Ansell, who was employed as a Great Start Readiness Preschool Teacher at Kent County Intermediate School District ("Kent ISD") from August 2017 until February 7, 2020.
- The attached letter constitutes a demand on her behalf for the processing of an appeal aimed at removing the incorrect "Minimally Effective" Educator Effectiveness rating for the 2019 – 2020 school year from the Registry of Educational Personnel. As the original source of this information, Kent ISD is responsible for entering and correcting the data. The deadline is DECEMBER 1, 2020
- As outlined in the attached letter, the accuracy of these ratings is paramount; an ineffective rating will profoundly impact our client's career going forward.
- We are available to provide any assistance so do not hesitate to contact me if questions. Please do not miss the deadline. Based on our client's past experience with Kent ISD's process for submitting data to the MOECS, we understand that Beth Rudolph may be one of your district's REP authorized users so we have copied her.

Thank you. Please contact me if questions and to confirm the timely processing and submission of this appeal. Once again, the deadline is DECEMBER 1, 2020

Todd R. Knecht
Attorney At Law

KNECHT LAW PLC | PO Box 68292 | Grand Rapids, MI | 49516-8292
ph 616.202.5539 | cell 616.308.4716 | fax 616.828.5982

email: trknechtlaw@gmail.com | knecht-law.com

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Request to Kent ISD for Appeal of Inaccurate Educator Effectiveness Rating - Jennifer L Ansell 11.20.20.pdf
412K

Todd R Knecht <trknechtlaw@gmail.com>

Tue, Nov 24, 2020 at 5:37 PM

To: conisullivan@kentisd.org

Cc: julieguenther@kentisd.org, AshleyKarsten@kentisd.org, madeleineburns@kentisd.org

Bcc: jansell2323@outlook.com

Unfortunately, you are leaving us with little choice at this point. Jennifer Ansell had no performance evaluation in 2020. As of February 7, 2020, she was no longer employed by Kent ISD. Therefore, her effectiveness rating from the previous year should have remained in place.

Assuming one or more of you deliberately made this entry into the system indicating that our client was "minimally effective," this was a malicious act committed with a specific intent to harm Jennifer Ansell.

Please get back to me this evening or first thing in the morning. I can't imagine it would require much paperwork to just make this one change. Please get this done. Otherwise we will be forced to take immediate legal action before the end of the day tomorrow. Thank you.

Todd R Knecht

Ofc. 616.202.5539

Cell 616.308.4716

trknechtlaw@gmail.com

knecht-law.com

Sent from my iPhone

On Nov 24, 2020, at 2:49 PM, Todd R. Knecht <trknechtlaw@gmail.com> wrote:

[Quoted text hidden]

<Request to Kent ISD for Appeal of Inaccurate Educator Effectiveness Rating - Jennifer L Ansell 11.20.20.pdf>

Todd R Knecht <trknechtlaw@gmail.com>

Wed, Nov 25, 2020 at 12:24 PM

To: conisullivan@kentisd.org

Cc: julieguenther@kentisd.org, AshleyKarsten@kentisd.org, madeleineburns@kentisd.org

Still no response at all from Kent ISD personnel to Jennifer Ansell's timely request for processing of her appeal (as of 11.25.2020 at 12:20 PM).

Todd R Knecht

Ofc. 616.202.5539

Cell 616.308.4716

trknechtlaw@gmail.com

knecht-law.com

Sent from my iPhone

On Nov 24, 2020, at 5:37 PM, Todd R Knecht <trknechtlaw@gmail.com> wrote:

Unfortunately, you are leaving us with little choice at this point. Jennifer Ansell had no performance evaluation in 2020. As of February 7, 2020, she was no longer employed by Kent ISD. Therefore, her effectiveness rating from the previous year should have remained in place.

[Quoted text hidden]

Todd Knecht <trknechtlaw@gmail.com>

Mon, Jul 26, 2021 at 11:01 AM

To: "Todd R. R. Knecht" <trknechtlaw@gmail.com>

[Quoted text hidden]



Request to Kent ISD for Appeal of Inaccurate Educator Effectiveness Rating - Jennifer L Ansell 11.20.20.pdf
412K

EXHIBIT 3



Todd Knecht <trknechtlaw@gmail.com>

Refusal to Process Appeal of Inaccurate Educator Effectiveness Rating for Jennifer L. Ansell - the Deadline is DECEMBER 1.2020

3 messages

Todd R. Knecht <trknechtlaw@gmail.com>

Tue, Dec 1, 2020 at 12:21 PM

To: roncaniff@kentisd.org, cindyconners@kentisd.org

Cc: SunilJoy@kentisd.org, chantelmills@kentisd.org, Jennifer Ansell <jansell2323@outlook.com>, conisullivan@kentisd.org

Mr. Caniff:

Today is the deadline for the submission of appeals to correct Educator Effectiveness ratings in the Registry of Educational Personnel for the past five years. Unfortunately, there has been a deliberate refusal by Kent ISD personnel (primarily Ms. Coni Sullivan) to process our client's appeal.

This firm represents Jennifer L. Ansell, who was employed as a Great Start Readiness Preschool Teacher at Kent County Intermediate School District ("Kent ISD") from August 2017 until February 7, 2020.

- Our client has made a timely request for the processing of an appeal on her behalf aimed at removing the incorrect "Minimally Effective" Educator Effectiveness rating for the 2019 – 2020 school year from the Registry of Educational Personnel. As the original source of this information, Kent ISD is responsible for entering and correcting the data. The deadline is DECEMBER 1.2020.
- To date we have received no response to the attached letter and to numerous additional emails sent to Kent ISD.
- Jennifer Ansell's request springs from our her discovery of a "Minimally Effective" review rating for the 2019-2020 school year posted by Kent ISD personnel into the MOECS (Michigan Online Educator Certification System). This spurious information was inserted despite the fact that Jennifer Ansell received no evaluation for 2019-2020. Her last day in the employ of Kent ISD was February 7, 2020.

- A few months later (in September 2020), she logged into the MOECS to check on her professional record and discovered Kent ISD's posting on May 14, 2020 of a "Minimally Effective" Review Rating.
- The accuracy of these ratings is paramount; an ineffective rating will profoundly impact our client's career going forward. Unfortunately, Coni Sullivan has refused to contact our client or to expedite the processing of the appeal.

Thank you. Please contact me today to confirm the timely processing and submission of this appeal. Once again, the deadline is today, DECEMBER 1, 2020. Should the deadline be missed, we will have no alternative but to pursue legal action.

Todd R. Knecht
Attorney At Law

KNECHT LAW PLC | PO Box 68292 | Grand Rapids, MI | 49516-8292
ph 616.202.5539 | cell 616.308.4716 | fax 616.828.5982
email: trknechtlaw@gmail.com | knecht-law.com

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From: Todd R. Knecht <trknechtlaw@gmail.com>
Sent: November 20, 2020 5:46 PM
To: conisullivan@kentisd.org; julieguenther@kentisd.org; AshleyKarsten@kentisd.org
Cc: bethrudolph@kentisd.org
Subject: Request to Kent ISD to Process an Appeal of Inaccurate Educator Effectiveness Rating for Jennifer L. Ansell

Dear Ms. Sullivan, Ms. Karsten, Ms. Guenther (and/or a Kent ISD Authorized User(s) of the Registry of Educational Personnel (REP)):

- This firm represents Jennifer L. Ansell, who was employed as a Great Start Readiness Preschool Teacher at Kent County Intermediate School District ("Kent ISD") from August 2017 until February 7, 2020.
- The attached letter constitutes a demand on her behalf for the processing of an appeal aimed at removing the incorrect "Minimally Effective" Educator Effectiveness rating for the 2019 – 2020 school year from the Registry of Educational Personnel. As the original source of this information, Kent ISD is responsible for entering and correcting the data. The deadline is DECEMBER 1, 2020
- As outlined in the attached letter, the accuracy of these ratings is paramount; an ineffective rating will profoundly impact our client's career going forward.
- We are available to provide any assistance so do not hesitate to contact me if questions. Please do not miss the deadline. Based on our client's past experience with Kent ISD's process for submitting data to the MOECS, we understand that Beth Rudolph may be one of your district's REP authorized users so we have copied her.

Thank you. Please contact me if questions and to confirm the timely processing and submission of this appeal. Once again, the deadline is DECEMBER 1, 2020

Todd R. Knecht
Attorney At Law

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email: trknechtlaw@gmail.com | knecht-law.com

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 **Request to Kent ISD for Appeal of Inaccurate Educator Effectiveness Rating - Jennifer L Ansell 11.20.20.pdf**
412K

Todd R. Knecht <trknechtlaw@gmail.com>

Tue, Dec 1, 2020 at 12:51 PM

To: roncaniff@kentisd.org, cindyconners@kentisd.org

Cc: SunilJoy@kentisd.org, chantelmills@kentisd.org, Jennifer Ansell <jansell2323@outlook.com>, conisullivan@kentisd.org

We are submitting this email chain to the Michigan Department of Education.

[Quoted text hidden]

[Quoted text hidden]

Jennifer Ansell <jansell2323@outlook.com>

Tue, Dec 1, 2020 at 12:52 PM

To: "Todd R. Knecht" <trknechtlaw@gmail.com>, "roncaniff@kentisd.org" <roncaniff@kentisd.org>, "cindyconners@kentisd.org" <cindyconners@kentisd.org>

Cc: "SunilJoy@kentisd.org" <SunilJoy@kentisd.org>, "chantelmills@kentisd.org" <chantelmills@kentisd.org>, "conisullivan@kentisd.org" <conisullivan@kentisd.org>

Perfect thank you!

Get [Outlook for iOS](#)

From: Todd R. Knecht <trknechtlaw@gmail.com>

Sent: Tuesday, December 1, 2020 12:51:22 PM

To: roncaniff@kentisd.org <roncaniff@kentisd.org>; cindyconners@kentisd.org <cindyconners@kentisd.org>

Cc: SunilJoy@kentisd.org <SunilJoy@kentisd.org>; chantelmills@kentisd.org <chantelmills@kentisd.org>; 'Jennifer Ansell' <jansell2323@outlook.com>; conisullivan@kentisd.org <conisullivan@kentisd.org>

Subject: RE: Refusal to Process Appeal of Inaccurate Educator Effectiveness Rating for Jennifer L. Ansell - the Deadline is DECEMBER 1.2020

[Quoted text hidden]

EXHIBIT 4



Todd Knecht <trknechtlaw@gmail.com>

**RE: Request that Kent ISD personnel be directed to process APPEAL OF
EDUCATOR EFFECTIVENESS RATING for JENNIFER L. ANSELL - the Deadline is
today DECEMBER 1.2020**

3 messages

Coni Taylor <ConiTaylor@kentisd.org>

Wed, Dec 2, 2020 at 10:05 AM

To: Todd R Knecht <trknechtlaw@gmail.com>, "AllesS@michigan.gov" <AllesS@michigan.gov>, "TaylorB1@michigan.gov" <TaylorB1@michigan.gov>, "MiddlesteadA@michigan.gov" <MiddlesteadA@michigan.gov>, "BreenL1@michigan.gov" <BreenL1@michigan.gov>, "<MDE-EducatorHelp@michigan.gov>" <MDE-EducatorHelp@michigan.gov>
Cc: Ron Caniff <RonCaniff@kentisd.org>, Cindy Conners <CindyConners@kentisd.org>, Dena Harris <DenaHarris@kentisd.org>, "jansell2323@outlook.com" <jansell2323@outlook.com>

Dear Mr. Knecht-

I discovered your email this morning in my "junk email" box. For some reason our system is redirecting your email and I suspect the same is true for the other ISD email addresses you included. We are happy to work with you and MDE to correct the effectiveness rating from Minimally Effective to Effective.

Coni

From: Todd R Knecht <trknechtlaw@gmail.com>

Sent: Tuesday, December 1, 2020 2:29 PM

To: AllesS@michigan.gov; TaylorB1@michigan.gov; MiddlesteadA@michigan.gov; BreenL1@michigan.gov; <MDE-EducatorHelp@michigan.gov> <MDE-EducatorHelp@michigan.gov>

Cc: Ron Caniff <RonCaniff@kentisd.org>; Cindy Conners <CindyConners@kentisd.org>; Sunil Joy <SunilJoy@kentisd.org>; Chantel Mills <ChantelMills@kentisd.org>; jansell2323@outlook.com; Coni Taylor <ConiTaylor@kentisd.org>

Subject: Re: Request that Kent ISD personnel be directed to process APPEAL OF EDUCATOR EFFECTIVENESS RATING for JENNIFER L. ANSELL - the Deadline is today DECEMBER 1.2020

Folks this is really disappointing. It seems like such a simple mistake to fix.

Todd R Knecht

Ofc. 616.202.5539

Cell 616.308.4716

trknechtlaw@gmail.com

knecht-law.com

Sent from my iPhone

On Dec 1, 2020, at 1:17 PM, Todd R. Knecht <trknechtlaw@gmail.com> wrote:

Today is the deadline for the submission of appeals to correct Educator Effectiveness ratings in the Registry of Educational Personnel for the past five years. Unfortunately, there has been a deliberate refusal by Kent ISD personnel to process our client's appeal. Our purpose in contacting you is to request that Kent ISD personnel be directed to process this Appeal on our client's behalf.

This firm represents Jennifer L. Ansell, who was employed as a Great Start Readiness Preschool Teacher at Kent County Intermediate School District ("Kent ISD") from August 2017 until February 7, 2020.

- Our client has made a timely request for the processing of an appeal on her behalf aimed at removing the incorrect "Minimally Effective" Educator Effectiveness rating for the 2019 – 2020 school year from the Registry of Educational Personnel. As the original source of this information, Kent ISD is responsible for entering and correcting the data. The deadline is DECEMBER 1, 2020.
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- Jennifer Ansell's request springs from our her discovery of a "Minimally Effective" review rating for the 2019-2020 school year posted by Kent ISD personnel into the MOECS (Michigan Online Educator Certification System). This spurious information was inserted despite the fact that Jennifer Ansell received no evaluation for 2019-2020. Her last day in the employ of Kent ISD was February 7, 2020.

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- The accuracy of these ratings is paramount; an ineffective rating will profoundly impact our client's career going forward. Unfortunately, Coni Sullivan has refused to contact our client or to expedite the processing of the appeal.

Once again, our purpose in contacting you is to request that Kent ISD personnel be directed to process this Appeal on our client's behalf. The deadline is today, DECEMBER 1, 2020. Please do not hesitate to contact me or Jennifer Ansell if you have any questions.

Todd R. Knecht
Attorney At Law

KNECHT LAW PLC | PO Box 68292 | Grand Rapids, MI | 49516-8292
ph 616.202.5539 | cell 616.308.4716 | fax 616.828.5982

email: trknechtlaw@gmail.com | knecht-law.com

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From: Todd R. Knecht <trknechtlaw@gmail.com>
Sent: December 1, 2020 12:21 PM
To: roncaniff@kentisd.org; cindyconners@kentisd.org
Cc: SunilJoy@kentisd.org; chantelmills@kentisd.org; 'Jennifer Ansell' <jansell2323@outlook.com>; conisullivan@kentisd.org
Subject: Refusal to Process Appeal of Inaccurate Educator Effectiveness Rating for Jennifer L. Ansell - the Deadline is DECEMBER 1, 2020

Mr. Caniff:

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Todd R. Knecht
Attorney At Law

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Sent: November 20, 2020 5:46 PM
To: conisullivan@kentisd.org; julieguenther@kentisd.org; AshleyKarsten@kentisd.org
Cc: bethrudolph@kentisd.org
Subject: Request to Kent ISD to Process an Appeal of Inaccurate Educator Effectiveness Rating for Jennifer L. Ansell

Dear Ms. Sullivan, Ms. Karsten, Ms. Guenther (and/or a Kent ISD Authorized User(s) of the Registry of Educational Personnel (REP)):

- This firm represents Jennifer L. Ansell, who was employed as a Great Start Readiness Preschool Teacher at Kent County Intermediate School District ("Kent ISD") from August 2017 until February 7, 2020.
- The attached letter constitutes a demand on her behalf for the processing of an appeal aimed at removing the incorrect "Minimally

Effective” Educator Effectiveness rating for the 2019 – 2020 school year from the Registry of Educational Personnel. As the original source of this information, Kent ISD is responsible for entering and correcting the data. **The deadline is DECEMBER 1,2020**

- As outlined in the attached letter, the accuracy of these ratings is paramount; an ineffective rating will profoundly impact our client's career going forward.
- We are available to provide any assistance so do not hesitate to contact me if questions. Please do not miss the deadline. Based on our client's past experience with Kent ISD's process for submitting data to the MOECS, we understand that Beth Rudolph may be one of your district's REP authorized users so we have copied her.

Thank you. Please contact me if questions and to confirm **the timely processing and submission of this appeal.** Once again, **the deadline is DECEMBER 1,2020**

Todd R. Knecht
Attorney At Law

KNECHT LAW PLC | PO Box 68292 | Grand Rapids, MI | 49516-8292
ph 616.202.5539 | cell 616.308.4716 | fax 616.828.5982

email: trknechtlaw@gmail.com | knecht-law.com

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<Request to Kent ISD for Appeal of Inaccurate Educator Effectiveness Rating - Jennifer L Ansell
11.20.20.pdf>

Todd R Knecht <trknechtlaw@gmail.com>

Wed, Dec 2, 2020 at 10:16 AM

To: Coni Taylor <ConiTaylor@kentisd.org>

Cc: "AllesS@michigan.gov" <AllesS@michigan.gov>, "TaylorB1@michigan.gov" <TaylorB1@michigan.gov>, "MiddlesteadA@michigan.gov" <MiddlesteadA@michigan.gov>, "BreenL1@michigan.gov" <BreenL1@michigan.gov>, "MDE-EducatorHelp@michigan.gov" <MDE-EducatorHelp@michigan.gov>, Ron Caniff <RonCaniff@kentisd.org>, Cindy Conners <CindyConners@kentisd.org>, Dena Harris <DenaHarris@kentisd.org>, "jansell2323@outlook.com" <jansell2323@outlook.com>

Thanks much. I will call you.

Todd R Knecht

Ofc. 616.202.5539

Cell 616.308.4716

trknechtlaw@gmail.com

knecht-law.com

Sent from my iPhone

On Dec 2, 2020, at 10:05 AM, Coni Taylor <ConiTaylor@kentisd.org> wrote:

[Quoted text hidden]

Jennifer Ansell <jansell2323@outlook.com>

Wed, Dec 2, 2020 at 10:36 AM

To: Todd R Knecht <trknechtlaw@gmail.com>

Yes I read this-thank you

Jennifer Ansell

From: Todd R Knecht <trknechtlaw@gmail.com>

Sent: Wednesday, December 2, 2020 9:16 AM

To: Coni Taylor <ConiTaylor@kentisd.org>

Cc: AllesS@michigan.gov <AllesS@michigan.gov>; TaylorB1@michigan.gov <TaylorB1@michigan.gov>; MiddlesteadA@michigan.gov <MiddlesteadA@michigan.gov>; BreenL1@michigan.gov <BreenL1@michigan.gov>; MDE-EducatorHelp@michigan.gov <MDE-EducatorHelp@michigan.gov>; Ron Caniff <RonCaniff@kentisd.org>; Cindy Conners <CindyConners@kentisd.org>; Dena Harris <DenaHarris@kentisd.org>; jansell2323@outlook.com <jansell2323@outlook.com>

[Quoted text hidden]

[Quoted text hidden]



Todd Knecht <trknechtlaw@gmail.com>

FOLLOW-UP RE CORRECTION TO EDUCATOR EFFECTIVENESS RATING; and PENDING REQUESTS FOR PERSONNEL RECORDS ON BEHALF OF JENNIFER ANSELL

1 message

Todd R. Knecht <trknechtlaw@gmail.com>

Fri, Dec 11, 2020 at 12:54 PM

To: Coni Taylor <ConiTaylor@kentisd.org>, AllesS@michigan.gov, TaylorB1@michigan.gov, MiddlesteadA@michigan.gov, BreenL1@michigan.gov, MDE-EducatorHelp@michigan.gov

Cc: Ron Caniff <RonCaniff@kentisd.org>, Cindy Conners <CindyConners@kentisd.org>, Dena Harris <DenaHarris@kentisd.org>, jansell2323@outlook.com

Ms. Taylor (Coni):

I have not had a chance to contact you (since our email exchange on 12.2.2020) until today. I am following up now with respect to the following:

1. Correction/Appeal of Jennifer Ansell's Effectiveness Rating.

As you know, we made a timely request (on 11.20.2020) for the processing of an appeal to correct our client's effectiveness rating – the deadline was December 1, 2020. You responded on December 2, 2020, stating in part: "We are happy to work with you and MDE to correct the effectiveness rating from Minimally Effective to Effective." As outlined in my email and attached letter to you of November 20, 2020, there is no basis for the "minimally effective" rating for the timeframe in question. Therefore, I would think this is a matter Kent ISD personnel can take care of and then confirm to us that it has been rectified. As we noted, Jennifer Ansell received no evaluation for 2019-2020. Her last day in the employ of Kent ISD was February 7, 2020. In fact, there was no review process at all (see detailed discussion in my attached letter to you of November 20, 2020).

Would you please process the correction of her rating asap and let me know what, if anything, you need from our client to correct the rating?

2. Pending Request(s) for Jennifer Ansell's personnel records.

Jennifer Ansell requested her personnel records in writing from Kent ISD HR back on February 4, 2020. (See copy of emails attached). Jennifer received an email back from Dena Harris the next day (February 5, 2020), stating in part,

“Hi Jennifer...I emailed Coni yesterday (she is out this week) to get this approved and processed but she hasn't gotten back with me.

I'll follow up with her again today.”

On November 24, 2020, I forwarded the (attached) letter to you by email regarding: “Request for Personnel Records on Behalf of Jennifer L. Ansell.”

My letter to you contained a

“request (pursuant to the Bullard-Plawecki Employee Right to Know Act, MCL § 423.501 et seq) [for] a complete copy of our client's personnel

file and all relevant personnel records as defined in the Act (preferably in attached, electronic format) which are in use or have been used or which

may affect, be or have been used relative to Jennifer Ansell's qualifications for employment, promotion, transfer, compensation, disciplinary action and/or termination.”

To date, our client has not received a copy of her personnel records. As my attached letter also requests, we would prefer that you email our client a copy of her personnel file (as a pdf attachment) to jansell2323@outlook.com as soon as possible with a copy to me at trknechtlaw@gmail.com.

3. Summary of Points/Requested Action.

Please expedite the preceding requests on our client's behalf and let us know what, if anything, you need from us in order to process the correction of her rating asap. Again, I would think this is a matter Kent ISD personnel can take care of quickly and then confirm to us that it has been rectified. Please provide us with her personnel records asap. Thank you.

Todd R. Knecht
Attorney At Law

KNECHT LAW/PLC | PO Box 68292 | Grand Rapids, MI | 49516-8292
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From: Coni Taylor <ConiTaylor@kentisd.org>
Sent: December 2, 2020 10:06 AM

To: Todd R Knecht <trknechtlaw@gmail.com>; AllesS@michigan.gov; TaylorB1@michigan.gov; MiddlesteadA@michigan.gov; BreenL1@michigan.gov; <MDE-EducatorHelp@michigan.gov>
Cc: Ron Caniff <RonCaniff@kentisd.org>; Cindy Conners <CindyConners@kentisd.org>; Dena Harris <DenaHarris@kentisd.org>; jansell2323@outlook.com
Subject: RE: Request that Kent ISD personnel be directed to process APPEAL OF EDUCATOR EFFECTIVENESS RATING for JENNIFER L. ANSELL - the
Deadline is today DECEMBER 1, 2020

Dear Mr. Knecht-

I discovered your email this morning in my "junk email" box. For some reason our system is redirecting your email and I suspect the same is true for the other ISD email addresses you included. We are happy to work with you and MDE to correct the effectiveness rating from Minimally Effective to Effective.

Coni

From: Todd R Knecht <trknechtlaw@gmail.com>
Sent: Tuesday, December 1, 2020 2:29 PM
To: AllesS@michigan.gov; TaylorB1@michigan.gov; MiddlesteadA@michigan.gov; BreenL1@michigan.gov; <MDE-EducatorHelp@michigan.gov>
Cc: Ron Caniff <RonCaniff@kentisd.org>; Cindy Conners <CindyConners@kentisd.org>; Sunil Joy <SunilJoy@kentisd.org>; Chantel Mills <ChantelMills@kentisd.org>; jansell2323@outlook.com; Coni Taylor <ConiTaylor@kentisd.org>
Subject: Re: Request that Kent ISD personnel be directed to process APPEAL OF EDUCATOR EFFECTIVENESS RATING for JENNIFER L. ANSELL - the
Deadline is today DECEMBER 1, 2020

Folks this is really disappointing. It seems like such a simple mistake to fix.

Todd R Knecht

Ofc. 616.202.5539

Cell 616.308.4716

trknechtlaw@gmail.com

knecht-law.com

Sent from my iPhone

On Dec 1, 2020, at 1:17 PM, Todd R. Knecht <trknechtlaw@gmail.com> wrote:

Today is the deadline for the submission of appeals to correct Educator Effectiveness ratings in the Registry of Educational Personnel for the past five years. Unfortunately, there has been a deliberate refusal by Kent ISD personnel to process our client's appeal. Our purpose in contacting you is to request that Kent ISD personnel be directed to process this Appeal on our client's behalf.

This firm represents Jennifer L. Ansell, who was employed as a Great Start Readiness Preschool Teacher at Kent County Intermediate School District ("Kent ISD") from August 2017 until February 7, 2020.

- Our client has made a timely request for the processing of an appeal on her behalf aimed at removing the incorrect "Minimally Effective" Educator Effectiveness rating for the 2019 – 2020 school year from the Registry of Educational Personnel. As the original source of this information, Kent ISD is responsible for entering and correcting the data. The deadline is DECEMBER 1, 2020.
- To date we have received no response to the attached letter and to numerous additional emails sent to Kent ISD.

- Jennifer Ansell's request springs from our her discovery of a "Minimally Effective" review rating for the 2019-2020 school year posted by Kent ISD personnel into the MOECS (Michigan Online Educator Certification System). This spurious information was inserted despite the fact that Jennifer Ansell received no evaluation for 2019-2020. Her last day in the employ of Kent ISD was February 7, 2020.
- A few months later (in September 2020), she logged into the MOECS to check on her professional record and discovered Kent ISD's posting on May 14, 2020 of a "Minimally Effective" Review Rating.
- The accuracy of these ratings is paramount; an ineffective rating will profoundly impact our client's career going forward. Unfortunately, Coni Sullivan has refused to contact our client or to expedite the processing of the appeal.

Once again, our purpose in contacting you is to request that Kent ISD personnel be directed to process this Appeal on our client's behalf. The deadline is today, DECEMBER 1, 2020. Please do not hesitate to contact me of Jennifer Ansell if you have any questions.

Todd R. Knecht
Attorney At Law

—

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From: Todd R. Knecht <trknechtlaw@gmail.com>
Sent: December 1, 2020 12:21 PM
To: roncaniff@kentisd.org; cindyconners@kentisd.org
Cc: Sunilloy@kentisd.org; chantelmills@kentisd.org; 'Jennifer Ansell' <jansell2323@outlook.com>; conisullivan@kentisd.org
Subject: Refusal to Process Appeal of Inaccurate Educator Effectiveness Rating for Jennifer L. Ansell - the Deadline is DECEMBER 1, 2020

Mr. Caniff:

Today is the deadline for the submission of appeals to correct Educator Effectiveness ratings in the Registry of Educational Personnel for the past five years. Unfortunately, there has been a deliberate refusal by Kent ISD personnel (primarily Ms. Coni Sullivan) to process our client's appeal.

This firm represents Jennifer L. Ansell, who was employed as a Great Start Readiness Preschool Teacher at Kent County Intermediate School District ("Kent ISD") from August 2017 until February 7, 2020.

- Our client has made a timely request for the processing of an appeal on her behalf aimed at removing the incorrect "Minimally Effective" Educator Effectiveness rating for the 2019 – 2020 school year from the Registry of Educational Personnel. As the original source of this information, Kent ISD is responsible for entering and correcting the data. The deadline is DECEMBER 1, 2020.

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- A few months later (in September 2020), she logged into the MOECS to check on her professional record and discovered Kent ISD's posting on May 14, 2020 of a "Minimally Effective" Review Rating.
- The accuracy of these ratings is paramount; an ineffective rating will profoundly impact our client's career going forward. Unfortunately, Coni Sullivan has refused to contact our client or to expedite the processing of the appeal.

Thank you. Please contact me today to confirm the timely processing and submission of this appeal. Once again, the deadline is today, DECEMBER 1, 2020. Should the deadline be missed, we will have no alternative but to pursue legal action.

Todd R. Knecht
Attorney At Law

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From: Todd R. Knecht <tknechtlaw@gmail.com>

Sent: November 20, 2020 5:46 PM

To: cornisullivan@kentisd.org; julieguenther@kentisd.org; AshleyKarsten@kentisd.org

Cc: bethrudolph@kentisd.org

Subject: Request to Kent ISD to Process an Appeal of Inaccurate Educator Effectiveness Rating for Jennifer L. Ansell

Dear Ms. Sullivan, Ms. Karsten, Ms. Guenther (and/or a Kent ISD Authorized User(s) of the Registry of Educational Personnel (REP)):

- This firm represents Jennifer L. Ansell, who was employed as a Great Start Readiness Preschool Teacher at Kent County Intermediate School District ("Kent ISD") from August 2017 until February 7, 2020.
- The attached letter constitutes a demand on her behalf for the processing of an appeal aimed at removing the incorrect "Minimally Effective" Educator Effectiveness rating for the 2019 – 2020 school year from the Registry of Educational Personnel. As the original source of this information, Kent ISD is responsible for entering and correcting the data. The deadline is DECEMBER 1, 2020
- As outlined in the attached letter, the accuracy of these ratings is paramount; an ineffective rating will profoundly impact our client's career going forward.

- We are available to provide any assistance so do not hesitate to contact me if questions. Please do not miss the deadline. Based on our client's past experience with Kent ISD's process for submitting data to the MOECS, we understand that Beth Rudolph may be one of your district's REP authorized users so we have copied her.

Thank you. Please contact me if questions and to confirm the timely processing and submission of this appeal. Once again, **the deadline is DECEMBER 1, 2020**

Todd R. Knecht
Attorney At Law

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<Request to Kent ISD for Appeal of Inaccurate Educator Effectiveness Rating - Jennifer L Ansell 11.20.20.pdf>

3 attachments

 **Request to Kent ISD for Appeal of Inaccurate Educator Effectiveness Rating - Jennifer L. Ansell 11.20.20.pdf**
412K

 **Jennifer Ansell's Request for Personnel Records 2.4.2020 and Response Email on 2.5.2020.pdf**
130K

 **Request for Personnel Records - Jennifer L. Ansell 11.24.2020.pdf**
184K

EXHIBIT 6

From: Dena Harris <DenaHarris@kentisd.org>
Sent: Wednesday, February 5, 2020 12:37 PM
To: Jennifer Ansell
Subject: RE: personal file

Hi Jennifer,

I emailed Coni yesterday (she is out this week) to get this approved and processed but she hasn't gotten back with me. I'll follow up with her again today.

From: Jennifer Ansell <JenniferAnsell@kentisd.org>
Sent: Wednesday, February 5, 2020 12:36 PM
To: Dena Harris <DenaHarris@kentisd.org>
Subject: Fwd: personal file

Get [Outlook for iOS](#)

From: Jennifer Ansell
Sent: Tuesday, February 4, 2020 8:06:20 AM
To: Dena Harris <DenaHarris@kentisd.org>
Subject: personal file

Could I please get a copy of my personal file. Thank you

Sincerely

Jennifer Ansell

...

[Message clipped] [View entire message](#)

EXHIBIT 7

KNECHT LAW, PC

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Todd R. Knecht
Attorney At Law

Tel: (616)202-5539
Fax: (616)828-5982
trknechtlaw@gmail.com

November 24, 2020

VIA Email: conisullivan@kentisd.org

Coni Sullivan
Assistant Superintendent for
Human Resources and Legal Services

Kent ISD
2930 Knapp NE
Grand Rapids, MI 49525

Re: *Request for Personnel Records on Behalf of Jennifer L. Ansell*

Dear Ms. Sullivan:

This firm represents Jennifer Ansell who was employed as a Great Start Readiness Preschool Teacher at Kent County Intermediate School District ("Kent ISD") from August 2017 until February 7, 2020. My purpose in writing is to request (pursuant to the Bullard-Plawecki Employee Right to Know Act, MCL § 423.501 et seq) a complete copy of our client's personnel file and all relevant personnel records as defined in the Act (preferably in attached, electronic format) **which are in use or have been used or which may affect, be or have been used relative to Jennifer Ansell's qualifications for employment, promotion, transfer, compensation, disciplinary action and/or termination.** Please email a complete copy of our client's personnel file (preferably in attached, electronic pdf format) to her at jansell2323@outlook.com as soon as possible with a copy to me at trknechtlaw@gmail.com.

As stated, we would prefer that you email our client a copy of her personnel file (as a pdf attachment) to jansell2323@outlook.com as soon as possible with a copy to me at trknechtlaw@gmail.com. Meanwhile, please do not hesitate to contact me if you have any questions. Ms. Ansell has authorized the content of this letter by separate email.

Very truly yours,

KNECHT LAW, PC



By:
Todd R. Knecht

TRK/
cc: Jennifer L. Ansell
Via email: jansell2323@outlook.com

knecht-law.com | PO Box 68292 | Grand Rapids, MI | 49516-8292